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APPLICATION NO. 097511,898	FILING DATE 02/23/00	FIRST NAMED INVENTOR YAMAGISHI	ATTORNEY DOCKET NO. 05204 AT
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HUNTER, A  
EXAMINER

ART UNIT 3711	PAPER NUMBER
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11/08/81

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/511,898

Applicant(s)

YAMAGISHI ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/129,883.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on October 16, 2001 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Application No. 09/129,883 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The terminal disclaimer has removed the double patenting rejection. New rejection has been formulated as shown below.

### ***Drawings***

As noted in the attached PTO-948, new formal drawings are required in this application because drawings were not submitted on white paper. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (USPN 5695413) in view of Yamagishi et al. (USPN 5779563).

Yamagishi et al. (USPN 5695413) discloses a multi-layered golf ball having a two-layered core and cover (See Figure 1). The inner core has a distortion of 3.5 mm

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under an applied load of 100kg (See Figure 1). The cover layer has a Shore D hardness of 50 to 60 with a thickness of 1.3 to 2.4mm, and the outer core layer has a Shore D hardness of 20-70 with a thickness of 1.3 to 2.5mm (Figure 2). The product of the Shore D hardness of the outer core layer and cover layer would be 1000 to 4200 which is implied within Figure 2. Yamagishi et al. (USPN 5695413) fails to disclose dimples. Yamagishi et al. (USPN 5779563) discloses a plurality of dimples, at least three types of dimples different in diameter, in which the largest diameter is 4.150 mm having a dimple depth of .210mm,  $V_o$  of .48, and the smallest dimple diameter is 3.5mm having a dimple depth of .210mm in order to improve flying distance, controllability, straight travel, roll, and durability (See Table 3, Type II). In addition, Yamagishi et al. discloses a  $V_o$  of 0.40 to 0.65 in order to prevent a stall and descending trajectory (See Column 5, lines 38 through 47).

Therefore, it would have been obvious to include in the ball of Yamagishi et al. (USPN 5695413) to have a Shore D hardness product of 1000 to 4200 in order to have a ball which minimizes damage when being impacted by a club. In view of the patent of Yamagishi et al (USPN 5779563) it would have been obvious to modify the ball of Yamagishi et al. (USPN 5695413) to have type II dimples as defined by the claims in order to utilize a dimple pattern available in the market place to improve flying distance, controllability, straight travel, and roll.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700